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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*
BRIAN A. BENCZKOWSKI, *Republican Staff Director*

May 13, 2010

The Honorable Julius Genachowski
Chairman
Offices of the Commissioners
Federal Communications Commission
445 12th Street SW
Room 8-B201
Washington, DC 20554

Dear Chairman Genachowski:

We write to express our concern regarding the lack of regulation of interstate telephone calling services for incarcerated persons and their family members. A petition for rulemaking was first filed with the Commission in 2003 on behalf of Martha Wright. The Commission never took any action on this petition; as a result, in March 2007 petitioners filed an alternative rulemaking proposal related to inmate calling services (CC Docket No. 96-128). This second petition requested that the Commission establish benchmark rates for all interstate inmate calling services at a rate no higher than \$0.20 per minute for debit calling services and \$0.25 per minute for collect calling services.

A substantial number of comments have been submitted to the Commission by a wide array of organizations, including telecommunications carriers, civil liberties groups, and prison and correctional authorities. Telecommunications carriers have also provided the Commission with cost estimates for interstate debit and collect calls. Based on this information, we ask that you act expeditiously to issue federal regulations on this topic.

We recognize that the majority of phone calls that inmates make are intrastate calls and hence may not be subject to federal regulation. We note, however, that the children and families of incarcerated individuals tend to be low-income and often rely on federal assistance to meet basic needs. We urge the Commission to consider these issues and to propose recommendations that will help guide state governments and the telecommunications industry in establishing appropriate rates and other reform measures to address the high costs that are often charged for intrastate calls.

We look forward to your continued attention to this issue and to a swift examination of the issue of inmate telephone rates.

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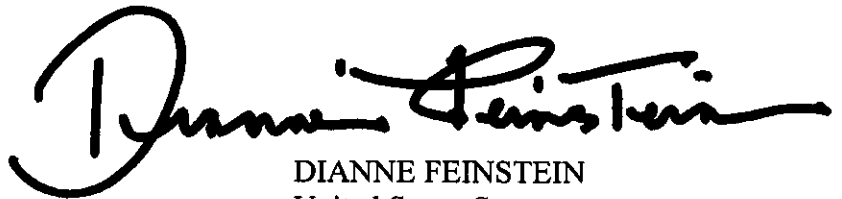
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Sincerely,



PATRICK LEAHY
United States Senator



DIANNE FEINSTEIN
United States Senator

cc: Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

June 24, 2010

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

Thank you for your letter regarding inmate calling service (ICS) and the related rulemaking proceeding pending before the Commission. I appreciate this opportunity to learn your thoughts about this very complex issue.

In addition to the two petitions that you mention in your letter, the Commission also is considering a related petition for declaratory ruling filed in 2009 by Securus – one of the largest providers of ICS. Securus asserts that certain service providers allow inmates to place local calls to their family and friends by inappropriately avoiding long distance charges. In its petition, Securus seeks to be allowed to block these calls. Some commenters, on the other hand, argue that these types of call-routing arrangements exist because the rates for ICS are unreasonably high.

This proceeding raises complex factual questions and issues. Commission staff is reviewing the extensive record that has been compiled, and continues to meet with interested parties to obtain a better understanding of the information that has been submitted to the Commission. I understand your concerns and want to assure you that the Commission is working to address the questions raised in this proceeding as quickly and equitably as possible.

I appreciate your interest in this important matter. If I can provide any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Julius Genachowski", with a stylized flourish at the end.

Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

June 24, 2010

The Honorable Patrick J. Leahy
United States Senate
433 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

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Julius Genachowski